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April 2015

Special Education Advisory

From: James P. DeLorenzo

Subject: Selection and Appointment of Special Education Impartial Hearing Officers

The purpose of this memorandum is to remind school district personnel of the procedures they must follow to select and appoint an Impartial Hearing Officer (IHO) to conduct a special education due process hearing.

Section 200.2(e)(1)(ii) of the Regulations of the Commissioner of Education requires that each school district maintain a rotational selection list of IHOs, with the names of IHOs listed alphabetically. Selection from the list is made on a rotational basis beginning with the first name appearing after the IHO who last served. Should that IHO decline appointment or fail to respond within 24 hours after reasonable efforts have been made by the district that are documented and can be independently verified, each successive IHO whose name next appears on the list is offered appointment, until the appointment is accepted. The school district may simultaneously contact several IHOs to determine their availability, however the selection of the IHO must be based on the rotational list, regardless of which IHO responds first.

In order to assist school districts to meet this regulatory requirement, district-specific rotational lists are established, maintained and regularly updated by the New York State Education Department (NYSED) in the Impartial Hearing Reporting System (IHRs). These lists in IHRs identify which IHO is next in line to be contacted for appointment in each school district. Since the list of available IHOs is periodically revised, districts are advised to access the list in IHRs for each new case and should not print a copy of the list for reference without ensuring it is the most current list for the district as found in IHRs. This means that school districts should log in to IHRs for each new appointment, rather than use previously printed lists. The rotational list screen is updated automatically when an IHO is appointed and is moved to the bottom of the list, and when NYSED adds or removes an IHO's name from a county or district list.

The rotational selection list for each district may be accessed as follows:

- Log onto IHRs. To access IHRs, navigate to NYSED's home page at <http://www.nysed.gov/>, and then click on the *Business Portal* link on the navigation menu at the top of the page. Click the *Log On* link at the top right corner and enter your user name and password. Once you are logged on, click *IHRs Main Menu*. If you do not have a username and password, contact your delegated administrator

for the State Education Department Delegated Account System (SEDDAS) or your school superintendent.

- On the IHRS Main Menu screen, click on *IHO Rotational List*.
- A list of IHOs will appear starting with the next IHO available for appointment at the TOP of the list. Each district must contact IHOs in the order displayed on this list. (If a list of IHOs does not appear, this may mean that the district's "initial marker", the mechanism for indicating the starting point in the IHO rotational list, has not been set. To set a district rotational list marker, go to the IHRS Main Menu screen, click on *District Initial Marker* and follow the help directions.)
- For complete information and examples of how to appoint an IHO on IHRS, visit the help file entitled "Contacting an IHO from the IHO Rotational List" in IHRS or go to <http://pd.nysed.gov/specedhelp/ihrs/4AApointingAnIHO.html>.

Thank you for your cooperation in this matter. If you have any questions regarding this memorandum, please contact NYSED's Office of Special Education Due Process Unit at (518) 473-0170.